

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY A. PATE,

Plaintiff, No. CIV S-04-1201 FCD DAD P

vs.

SACRAMENTO COUNTY
SHERIFFS DEPUTIES,

Defendants. ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983.¹ On August 15, 2005, the court ordered plaintiff to serve process on defendant Garcia within sixty days from the date of the order. The court also ordered plaintiff to file his status report within ninety days from the date of the order.² Plaintiff has not filed a notice indicating that service has been executed on defendant Garcia. Therefore, the court will order

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¹ Plaintiff has paid the filing fee. He has not filed an application requesting leave to proceed in forma pauperis to have service effected by the U.S. Marshall pursuant to Rule 4(c)(2).

² In the same order, the court also stated that the parties' status reports would be due within 120 days. Because of the confusion concerning the deadline, the court will vacate the dates for the filing of status reports.

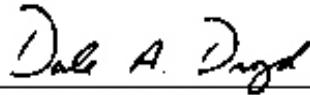
1 plaintiff to submit proof of service pursuant to Rule 4(l) of the Federal Rules of Civil Procedure
2 or show cause why service has not been completed.

3 Accordingly, IT IS ORDERED that:

- 4 1. Within fifteen days from the service of this order, plaintiff shall file his proof
5 of service on defendant Garcia, or show cause why service has not been completed;
6 2. The dates for the filing of status report, set forth in the court's August 15, 2005
7 order, are vacated; and
8 3. Plaintiff's failure to comply with this order will result in the dismissal of this
9 action.

10 DATED: November 14, 2005.

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12 DAD:4
13 pate1201.osc


14 DALE A. DROZD
15 UNITED STATES MAGISTRATE JUDGE
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